

February 6, 1976

SENATOR SYAS: First, I wish to ask Senator Lewis a question. Senator Lewis, the question is, and I am not...this is kind of a rerun for me. It has been in here several times in one way or another. How much power is...is this an advisory commission?

SENATOR F. LEWIS: Yes, it is.

SENATOR SYAS: Are you giving them any power to force anybody to do anything?

SENATOR F. LEWIS: No, we are not.

SENATOR SYAS: Does this in any way, you know, we have in the Constitution that you have the Board of Regents. This is spelled out. You have the Trustee Board of the Colleges. Does this take any power away from them because always before when we had this bill in here it ran into a few constitutional snags, or that type of thing. Does this in any way go over a constitutional board that is elected that the Legislature, without a constitutional amendment, can't do this type of thing? Now the bills that we have had in the past, Senator, always run into a constitutional doubt. Have you ever cleared this one to see if this one has a constitutional doubt?

SENATOR F. LEWIS: Senator Syas, it doesn't usurp any of the authority of any of the aforementioned boards so in our judgment and it has been looked at by several people, it does not violate any of those constitutional provisions. However, in a spirit of cooperation which I usually show, I would be more than happy to approach the correct constitutional experts and get that kind of an opinion as the bill moves along.

SENATOR SYAS: I think you should get that type of an opinion because the ones in the past have always run into constitutional doubt, Senator. Are you giving this group only advisory powers, only, nothing else?

SENATOR F. LEWIS: Yes, sir.

SENATOR SYAS: I notice in your first amendment you tried to give them control over federal funds and I know you can't do that because then they are not advisory anymore.

SENATOR F. LEWIS: That was one that I was decisively beaten on and I am still severely wounded on, Senator Syas, but it was....

SENATOR SYAS: You were wounded because the Constitution says the Legislature shall appropriate. You can't give, even federal funds, to some other body.

SENATOR F. LEWIS: That is out now.

SENATOR SYAS: I know it is.

SENATOR F. LEWIS: By the judgment of the Legislature, so that is not a question.